

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ACTUS, LLC,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	Civil Action No: 2:09-cv-102
	§	
BANK OF AMERICA CORP.;	§	
BLAZE MOBILE, INC.;	§	Jury
CAPITAL ONE FINANCIAL CORP.;	§	
ENABLE HOLDINGS, INC.;	§	
GOOGLE, INC.;	§	
GREEN DOT CORP.;	§	
JAVIEN DIGITAL PAYMENT	§	
SOLUTIONS, INC.;	§	
JPMORGAN CHASE & CO.;	§	
MASTERCARD INTERNATIONAL, INC.;	§	
META FINANCIAL GROUP, INC.;	§	
M&T BANK CORP.;	§	
OBOPAY, INC.;	§	
SONIC SOLUTIONS;	§	
VISA, INC.;	§	
VIVENDI UNIVERSAL U.S. HOLDING	§	
CO.;	§	
VIVENDI UNIVERSAL, SA;	§	
WAL-MART STORES, INC.;	§	
THE WALT DISNEY CO.;	§	
THE WESTERN UNION CO.;	§	
WILDTANGENT, INC.;	§	
AGILECO,	§	
Defendants.	§	

**JOINT MOTION FOR EXTENSION OF CERTAIN DEADLINES**

COMES NOW Plaintiff, Actus, LLC (“Actus”) and Defendant MasterCard International, Inc. (“MasterCard”) and files this Joint Motion for Extension of Certain Deadlines. On June 3, 2009 MasterCard filed its Motion to Dismiss Plaintiff’s Claims Under Fed. R. Civ. P. 12(B)(1), 12 (B)(6) and 12(B)(7) and Memorandum of Law in Support (Dkt. 58). Pursuant to the Court’s

June 9, 2009 Order (Dkt. 133), the current deadline for Actus to respond to MasterCard's Motion to Dismiss is July 31, 2009. The parties respectfully request the Court extend the deadline for Actus to respond to MasterCard's Motion to Dismiss until August 18, 2009. Additionally, the parties request the Court extend the deadline for MasterCard to reply to Plaintiff's Response to the Motion to Dismiss until September 11, 2009.

DATED: July 30, 2009

Respectfully submitted,

By: /s/ Bo Davis

William Ellsworth Davis, III  
Texas State Bar No. 24047416

**The Davis Firm, PC-Longview**

111 West Tyler Street

Longview, TX 75601

Phone: 903-230-9090

Fax: 903-230-9661

Email: [bdavis@bdavisfirm.com](mailto:bdavis@bdavisfirm.com)

**Attorney for Plaintiff, Actus, LLC**

/s/ Elizabeth L. DeRieux (by permission)

S. Calvin Capshaw

State Bar No. 03783900

Elizabeth L. DeRieux

State Bar No. 05770585

D. Jeffrey Rambin

State Bar No. 00791478

CAPSHAW DeRIEUX, LLP

1127 Judson Road, Suite 220

P.O. Box 3999 (75606-3999)

Longview, Texas 75601

Telephone: (903) 236-9800

Facsimile: (903) 236-8787

Email: [ccapshaw@capshawlaw.com](mailto:ccapshaw@capshawlaw.com)

Email: [ederieux@capshawlaw.com](mailto:ederieux@capshawlaw.com)

Email: [jrambin@capshawlaw.com](mailto:jrambin@capshawlaw.com)

Robert C. Scheinfeld

Eliot D. Williams  
Eric J. Faragi  
BAKER BOTTS L.L.P.  
30 Rockefeller Plaza, 44th Floor  
New York, New York 10112-4498  
Telephone: (212) 408-2500  
Facsimile: (212) 408-2501  
Email: robert.scheinfeld@bakerbotts.com  
Email: eliot.williams@bakerbotts.com  
Email: eric.faragi@bakerbotts.com

Attorneys for Defendant  
MasterCard International, Inc.

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic served were served with a true and correct copy of the foregoing by email, on this the 30th day of July, 2009.

/s/ Bo Davis